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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In Re Application of)
)
AMERICAN INDIAN)
BROADCAST GROUP, INC.)
)
For Construction Permit for)
a New FM Station on Channel 279A)
at Hartford, Michigan)

File No. BPH-870820MB

RECEIVED BY

SEP 7 1989

To: Chief
Audio Services Division

FCC MAIL BRANCH

PETITION FOR LEAVE TO AMEND

American Indian Broadcast Group, Inc. ("American"), applicant for construction permit for non-reserved FM Channel 279A at Hartford, Michigan (File No. BPH-870820MB), by counsel, and pursuant to §§ 1.65 and 73.3522(b) of the Commission's Rules and Regulations, hereby respectfully submits its petition for leave to amend its above-captioned application, so as to report changes in information previously filed as part of its application. In support whereof, the following is shown:

1. American's amendment, proffered herewith, reports that American has entered into a settlement agreement with competing applicants for a new FM station to serve the community of DeWitt, Michigan on FM Channel 243A (MM Docket No. 88-425), providing for the grant of competing applicant Mid-Michigan FM Inc.'s application and the dismissal of all other competing applications for the above facility, including the application filed by American. As indicated therein, no action has been taken by the Presiding Judge in that proceeding on the parties' joint request.

2. It should be noted that, should American's application be dismissed consistent with its request as described above, a character issue specified against American by the Chief, Audio Services Division, shall, technically speaking, remain outstanding against American. For the reasons stated below, however, even though the above issue was not resolved in the DeWitt proceeding as a result of the dismissal of American's DeWitt application, the Audio Services Division need not reinstate the issue against American here.

3. The Commission's designation of the certification issue in the DeWitt proceeding was based upon the Bureau's decision not to accept the predesignation amendment submitted by American in that proceeding which offered American's explanation of the circumstances surrounding the certification of American's application. However, in other cases (MM Docket No. 88-429, Germantown, Tennessee, MM Docket No. 88-552, San Angelo, Texas, and MM Docket No. 88-399, Windsor, Virginia), no such issues were added by the Bureau following the submission by American of the same materials. Moreover, following designation, petitions were filed against American seeking the above issue in both the San Angelo and Windsor proceedings, which petitions were denied by the Administrative Law Judge presiding in the case. Consequently, specification of the above-described certification issue in this proceeding is both unnecessary and would lead simply to the prompt resolution of the issue in American's favor, given the facts attending the issue.

4. The attached amendment also reports the filing of a "minor change" transfer of control application for American relative to KPOS(AM), Post, Texas, licensed to American. American's report of the filing of the KPOS application is made pursuant to its general obligation to update its application to reflect applications filed elsewhere by the applicant.

5. In addition to American's obligation to timely amend its application so as to report changes in information previously submitted, "good cause" exists for the grant of the

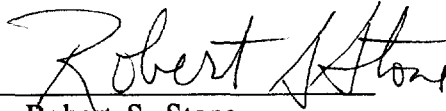
instant petition and acceptance of the amendment proffered herewith. While the proposed amendment is, in a sense, required by the "voluntary" act of the applicant, the amendment has been prepared and filed diligently, and would not necessitate the modification or addition of issues or parties, disrupt the orderly conduct of the instant proceeding or require additional hearings, prejudice other parties or confer a competitive advantage upon American. Accordingly, good cause has been shown for acceptance of the amendment. See, Erwin O'Conner Broadcasting Company, 22 FCC 2d 140, 143, 18 RR2d 820, 824 (Rev. Bd. 1970).

WHEREFORE, premises considered, American Indian Broadcast Group, Inc. respectfully requests that the Chief, Audio Services Division grant the instant petition and accept the accompanying amendment for association with its application consistent with the above.

Respectfully submitted,

AMERICAN INDIAN
BROADCAST GROUP, INC.

McC Campbell & Young, Its Attorneys

By: 
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September 6, 1989

RSS064/A:90618.064

AMENDMENT

The application of American Indian Broadcast Group, Inc. ("American") for authority to construct and operate a new FM broadcast station to serve Hartford, Michigan on FM Channel 279A (File No. BPH-870820MB) is hereby amended by the following information:

1. On August 14, 1989, American and its four competing applicants for a new FM station to serve the community of DeWitt, Michigan on FM Channel 243A filed a Joint Request for Approval of Settlement Agreement in MM Docket No. 88-425, providing for the grant of competing applicant Mid-Michigan FM, Inc.'s application and the dismissal of applications filed by American and competing applicants Lansing Community College, William E. Kuiper, Jr., and DeWitt Radio Incorporated. The file number of American's application for DeWitt, Michigan FM Channel 243A is BPH-870914MC. No action has been taken by Administrative Law Judge Richard L. Sippel on the parties' joint request described above.

2. On August 18, 1989, an application was filed with the Commission for consent to a "minor change" transfer of control of American Indian Broadcast Group, Inc. relative to KPOS(AM), Post, Texas (File No. BTC-890818EA). The application for transfer of control of KPOS(AM) was filed pursuant to the withdrawal from American by former 33 1/3% shareholder Fritz R. Niggeler as previously reported by American.

DATED this 31st day of August, 1989.

American Indian Broadcast Group, Inc.

By: 

Jack W. Bursack, President